No. 93-871 (3)

IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

Supreme Court, U.S.
FILED
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SHAROLYN WOOD,

Petitioner,

v.

ATTORNEY GENERAL OF TEXAS, *et al.*,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF IN OPPOSITION OF RESPONDENTS LEAGUE OF LATIN AMERICAN CITIZENS, COUNCIL NO. 4434, et al.

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Respondents, Latin American Citizens, Council No. 4434, et al., petitioners in No. 93-630, urge that the cross-petition of Judge Sharolyn Wood be denied even in the event that this Court grants certiorari in Nos. 93-630 and 93-928.

Simply stated, the cross-petition presents no issue that is worthy of a grant of certiorari. The petitioner is dissatisfied with the position that the Attorney General of Texas and other duly elected state officials have taken in this litigation. The State officials wish to exercise their legal authority to seek a settlement; petitioner wants them to fight to the end. However, the premise upon which the cross-petition is based — that a defendant's decision to settle a case makes the litigation "collusive" — is wrong.

As described in detail in the cross-petition for a writ of certiorari in No. 93-928, this case has been vigorously defended by the State all the way to this Court. Settlement negotiations were extensive, and an agreement — subject to a hearing and approval by the district court — reached that reflected a careful balancing of the competing interests at stake.

Cases are settled routinely and, as we have pointed out in the petition for a writ of certiorari in No. 93-630, this Court has consistently made it clear that settlements are favored under federal law.[1] The fact that the Attorney General has decided that it is in the best interests of the State of Texas to settle does *not* lead to the conclusion that that official has abandoned his duty to represent the State or allow or even permit a federal court to make such a judgment.

Finally, if certiorari is granted in No. 93-630 and/or No. 93-928, Judge Wood will have every opportunity to make her views known on every issue, as she has been able to do at every stage of the litigation of this case to date.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be denied.

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[1] *See, e.g., Evans v. Jeff D.*, 475 U.S. 717 (1986); *Marek v. Chesny*, 473 U.S. 1 (1985).

Respectfully submitted,

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